

Faith Based Breakfast Listening Tour Questions and Answers

August 3, 2016

1. How do you restrain yourselves in conflict? When do you shoot to injure? When do you shoot to kill?

Officers train for tactical responses to high risk situations and part of that training includes how to avoid getting into those situations and/or deescalating those types of situations. Unfortunately, some situations progress to being life threatening, either to the officer or to nearby civilians. When an officer is in a life threatening situation and has to use their weapon, the officer shoots to stop the threat. Because when an officer is forced to use his/her weapon, it is a high stress situation, officers are trained to shoot at center mass, which is the largest target, and if hit will most likely stop the threat. Aiming at center mass also potentially prevents shots that miss the intended target from hitting an innocent bystander. There are some cases when stopping the threat will result in injury and there will be other times when stopping the threat will result in a death.

Officers are not permitted to use firearms unless deadly force is justified because a gunshot wound to any part of the body can be life threatening.

2. What is reasonable force?

Use of Force policy is actually called RESPONSE TO CITIZEN RESISTANCE/NON-COMPLIANCE, M.O.P. 3.03-2. Our policy states "It is the policy of this department that any response to resistance/aggression/non-compliance will only be used to overcome resistance or stop aggression, and then only that amount of force which is necessary to overcome that resistance. Officers will respond to resistance or aggression in accordance with the objective reasonableness standard outlined in the Supreme Court case of Graham v. Conner 490 U.S. 386, 109 S. Ct. 1865."

The reasonableness determination from Graham v Conner is as follows; "The Graham Court cautioned, "The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

It also reinforced, "As in other Fourth Amendment contexts... the 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation."

3. Is there a mechanism or database that tracks officer involved fatal shootings in the area?

No there is no such database. However, if the officer involved shooting happened in Dayton and involved Dayton police officers it is tracked by our department. The potential criminal aspect of

the case would be investigated by Dayton Police Department detectives and the administrative investigation would be done by the Professional Standards Bureau.

4. The community would like to know about reprimands and firings. Is there a way to make that public and ensure the community knows officers are being held accountable?

Here is a list of sustained violations that resulted in suspensions and dismissals. The violations/misconduct occurred from January 2013 through December 2015. A sustained violation means there was enough evidence to support the finding that the violation/misconduct occurred.

Five officers were terminated; two resigned while under investigation. The remainder received suspensions. There are mandatory suspensions for certain violations; other violations require termination.

- Appearance, clothing, equipment
- AWOL
- Care while using city owned property
- Carry articles that would distract police duty
- Citizen resistance/non-compliance
- Collect, preserve, deliver evidence
- Control and care of prisoners
- Dishonor or embarrass
- Drinking alcohol on duty
- Evidence and impounded property
- Fail to submit reports
- Failure to observe and give effect to policies
- Falsify report
- Firearms policy
- In-car camera
- Incompetence
- Insubordination
- Interfere with justice
- Neglect of duty
- Obey Rules of Conduct, policies and procedures
- Offensive or derogatory comments
- Only legitimate communications
- Police vehicles
- Possess/distribute sexual/ethnic/racially slanderous material
- Prisoner policy
- Recreational reading
- Release a police record
- Respond to calls without delay
- Ridicule, mock, harass, deride
- Social networking
- Unprofessional conduct
- Utilize position for gain
- Vehicle accident
- Vehicle pursuit
- While in uniform, purchase/possess alcohol

5. Will reporting of a complaint escalate an encounter or lead to retaliation?

No. There are several ways a person can report a complaint.

A citizen can ask to speak with a police supervisor if they have a complaint about an interaction with an officer. But if there is a complaint from a citizen during an arrest, this complaint may be handled at a later time so not to escalate the situation.

A citizen can also submit a complaint to the Professional Standards Bureau which has the primary responsibility of ensuring that our police officers respond in a professional manner and abide by proper police procedures in all circumstances. All complaints received by the Professional Standards Bureau are reviewed and addressed.

The Professional Standards Bureau can be reached in the following ways:

- [Email the Professional Standards Bureau](#)
- Call (937) 333-1018
- Appear in person at 371 W Second Street, Dayton, Ohio, 45402
- Send U.S. mail to 371 W Second Street, Dayton, Ohio 45402

Most complaints will require some form of personal contact with an investigator from the Professional Standards Bureau. You may be asked to provide a written or tape-recorded statement and to sign a formal complaint. If you are alleging that you received injuries during your contact with the police, we will need to photograph the injuries and medical reports may be required.

Anonymous complaints are also reviewed for investigation. However, each is considered on a case-by-case basis dependent upon the information provided in the complaint.

6. What does compliance mean?

As noted in our Response to Citizen Resistance and Non-Compliance General Order 3.03-2:

Definitions:

COMPLIANT - the subject is cooperative and voluntarily follows verbal commands.

NON-COMPLIANT - when placed under or being informed of their arrests, the subject refuses to cooperate and does not respond to verbal commands, but takes no verbal/physical actions against an officer.

OBJECTIVELY REASONABLE RESPONSE - means the level of response that is within the bounds of what an ordinary and prudent officer would use in a similar way under similar circumstances as outlined in the Supreme Court case of *Graham v. Conner* 490 U.S. 386, 109 S. Ct. 1865 and the guidelines set forth in the Supreme Court case of *Tennessee v. Garner*, 471 U.S. 1 (1985).

In more simple terms compliance would be to follow the lawful instruction, command or direction of the police officer...ex. If you're asked to step out of the car...do so.

7. If a community member is dissatisfied with the findings of the misconduct investigation, how can they appeal their complaint?

When the investigation has been completed, an Appeal Form and a brochure explaining the appeal process are sent to the complainant along with a disposition letter, which explains the outcome of the investigation. Anyone not satisfied with the outcome may appeal to the Citizens' Appeal Board. Instructions for filing the appeal are given in the brochure. The Citizens' Appeal Board meets quarterly to hear appeals.

Follow up question – How can the Citizens Appeals Board work simultaneously with the Professional Standards Board so that citizens aren't frustrated by the amount of time it takes to get the CAB?

As it exists now, it is not likely that the Professional Standards Bureau and the Citizens' Appeal Board working simultaneously would resolve the citizens' frustrations with the appeal process for at least a couple of reasons:

-Between 2013 and 2015, only a handful of appeals were heard by the Board – 4 were heard in 2013 and 4 in 2014. There were no appeals in 2015. So far in 2016, the Board heard 2 appeals. The small number of appeals would not warrant that Professional Standards and the Citizens' Appeal Board work simultaneously.

-Sec. 34.48(A) of the ordinance governing the Citizens Appeal Board reads as though Professional Standards investigates all citizen complaints. However, Professional Standards, i.e. Internal Affairs, investigates specific complaints – typically those that tend to be more complex and time consuming and of a more sensitive nature. Between 2013 and 2015 Professional Standards investigated approximately 4% of the citizen complaints. Approximately 94% of the complaints were investigated by patrol division supervisors. Because most complaints are investigated by patrol supervisors, Professional Standards and the Citizens' Appeal Board working simultaneously would not be warranted.

The source of the citizens' frustration has to be investigated and the appropriate solution identified and applied to resolve it. The Community Police Council is reviewing the current ordinance to determine opportunities to strengthen and/or clarify the ordinance.

8. How can a citizen easily identify an officer without asking for information?

All Dayton Police officers wear a name plate which is located above their right uniform pocket or jacket pocket. Also, uniformed sergeants and police officers will have a badge above their left uniform pocket, which has a number on it, which is unique to that officer. The officer may also be driving a cruiser with a number on the back, which is assigned to that officer for their shift.

9. What is being done to ensure that bias is removed from policing and that there is consistent application of the law regardless of color/ethnicity?

DPD officers operate under the following Rules of Conduct:

4.14 In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description.

4.15 In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or timeframe, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, or an authorized intelligence activity.

In order to rely on a listed characteristic, officers must consider the totality of the circumstances, such as any exigent circumstances and the nature of any potential threat.

All officers had 4 hours of training this year in community-police relations which included implicit bias, procedural justice, and legitimacy.

10. Is there space for educating the police on issues facing lower income and minority communities?

Recruits spend a minimum of 16 hours on Community Diversity & Procedural Justice during recruit training. Specific topics in this course deal with relationships between race, genetics, physical characteristics as well as racism, biases and profiling. Items touched on during this block of instruction are reinforced throughout recruit training.

11. Is there a standard nationwide accreditation required for police departments?

The short answer to this is 'no'.

However, the Dayton Police Department recently received provisional certification that our Use of Force and Hiring and Recruitment polices meet the state collaborative standards in that "Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm." And, "The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force.

Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.” Our officers are trained with this policy; all uses of force are investigated and reported.

12. What is the police force doing to improve their visibility and build positive relationships with youth and young adults?

The Dayton Police Department utilizes numerous community policing based programs in order to interact with both adults and children across the city of Dayton. Here are just a few examples from 2015 & 2016 of these programs and events we host or attend, many of which are ongoing (youth based activities are highlighted):

- Coffee With a Cop events – 18 total in 2015 - 11 EPOD, 5 WPOD, 2 CPOD
- Coffee With a Cop events – 6 so far in 2016 – 8 EPOD, 1 WPOD, 3 CPOD
- Pokémon With Police – 2 events at RiverScape in 2016
- Scenario Based Training – 7 done in 2016, 100+ participants
- Personal Safety Classes Taught –36 classes, 676 people trained
- Run, Hide, Fight Classes Taught – 32 classes, 794 people trained
- Graduates from the Citizens Police Academy Fall ‘15 – 17
- Graduates from the Citizens Police Academy Spring ‘16 – 14
- Fall ‘16 Citizens Police Academy – Currently in session
- Police and Youth Together Camp – 57 kids attended in 2015, this program expanded to include a camps in Westwood and in East Dayton in Summer 2016
- Bike Safety Rodeo – held twice in 2016
- Basketball Games with students from local schools, REC centers and other organizations
- Painting with Police - 10 events in 2015
- Shoes for the Shoeless – partner with organization that provides new shoes and socks to local children
- Awarded grant funding for PSN Grant to try to reduce juvenile crime in the Westwood Neighborhood (\$500,000)
- Landlord Association Members – 96 – this was implemented for information sharing and training purposes
- Police Officer/Citizen Mediation Program – 17 cases in 2015
- ‘What To Do When Stopped By Police’ Presentation & Spaghetti Dinners – 6 events in West Patrol Operations Division
- Graffiti Clean-up Sessions are numerous and ongoing
- Police Recruiting Events – 191 events from April-December 2015 with a total of 1400 applicants
- Police Recruiting Events resume in October 2016 and will run through December 2016.

There are actually 80 community based events and activities which are listed in a PDF file.

Additionally, the Dayton Human Relations Council (HRC) works with and on behalf of the Dayton City Commission to foster integrative communities that include police and residents working together to reduce crime and improve living conditions throughout the City. The Community Police Council (CPC) was created in 2012 to advise the HRC on policy and systemic issues that challenge community-police relations. CPC is responsible for ensuring that Dayton is unified around its common goal of mutual trust, accountability, fairness and respect for all. The Council, comprised of community and faith-based leaders, law enforcement, and local government serves the Dayton community by ensuring mutual responsibility for public safety and by addressing concerns of all residents. Since its inception, CPC has been committed to:

- Creating opportunities for residents and youth to engage with police and speak-out about safety in their neighborhoods.
- Listening to individuals, social groups and organizations speak frankly about their relations with police.
- Building trust through clear and accurate communication.
- Responding swiftly to events dividing police from individuals, neighborhoods and the community.
- Coordinating activities city-wide to strengthen community-police relations.
- Developing mutual responsibility and accountability throughout the Dayton community for public safety.

13. Can officers be invited to present at community groups? What is the process for securing someone to attend an event?

Yes, there are a couple ways this can be done. A citizen can go through a Patrol Operations Division Commander in order to potentially schedule an officer for an event. We also have crime prevention officers in each of our Patrol Operations Divisions (PODs) who handle many of the appearances at community activities.

Here are the general numbers to each Patrol Operations Division:

Central POD – 937-333-1108

East POD – 937-333-7440

West POD – 937-333-8950

We hope to make an online form available in order to schedule officers for events in 2017.

14. How do we encourage more African-Americans to become officers? What is being done to increase officer diversity?

The City of Dayton has been pursuing greater diversity in the police force and developing processes that would lead to hiring a more diverse group of recruits to mirror the community. The City implemented a recruiting campaign to attract applicants that will build the best possible police force, with an emphasis on increasing the number of African-Americans and

other ethnic minority officers, so the department better reflects the Dayton community. The Dayton Police Department uses a variety of tactics to recruit potential police officers, including visits to churches, schools, and community events across the City. They also work with firms to research national best practices for police recruitment; develop campaign materials in English and Spanish; promote recruitment resources on radio stations, and through social media -- including digital ads.